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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATION AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Netherlands, Norway, Panama, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights 2/ and other applicable human rights instruments,

Aware that, in accordance with the Charter, the Organization promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that "the will of the people shall be the basis of the authority of government",

Recalling its resolution 47/144 of 18 December 1992,

Recalling also Commission on Human Rights resolution 1992/58 of 3 March 1992, in which the Commission, inter alia, decided to nominate a special

1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

rapporteur to establish direct contacts with the Government and with the people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian Government and the drafting of a new Constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

Recalling further Commission on Human Rights resolution 1993/73 of 10 March 1993, by which the Commission extended for one year the above mandate of the Special Rapporteur,

Gravely concerned that the Government of Myanmar still has not implemented its commitments to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Gravely concerned also at the continued violations of human rights in Myanmar, as reported by the Special Rapporteur, in particular summary and arbitrary executions, torture, forced labour, abuse of women, restrictions on fundamental freedoms, including the freedom of expression and assembly, and the imposition of oppressive measures directed in particular at ethnic and religious minorities,

Noting that the human rights situation in Myanmar has consequently resulted in flows of refugees to neighbouring countries, thus creating problems for the countries concerned,

Noting also the measures taken by the Government of Myanmar, including its accession to the Geneva Conventions of 1949 on the protection of victims of war, 3/ and the release of a number of political prisoners in response to the concerns expressed by the international community, including the General Assembly and the Commission on Human Rights,

Welcoming the signing of the Memorandum of Understanding between the Government of Myanmar and the Office of the United Nations High Commissioner for Refugees on 5 November 1993 on the voluntary repatriation of refugees from Bangladesh to Myanmar,

Noting the cease-fire that has been reached between the Government of Myanmar and several groups of ethnic and religious minorities in Myanmar,

1. Expresses its appreciation to the Special Rapporteur of the Commission on Human Rights for his preliminary report and the conclusions and recommendations contained therein; 4/

2. Deplores the continued violations of human rights in Myanmar;

3/ United Nations Treaty Series, vol. 75, Nos. 970-973.

4/ A/48/578.

3. Again urges the Government of Myanmar, in conformity with its assurances given at various times, to take all necessary steps towards the restoration of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990, and to ensure that political parties can function freely;

4. Notes with concern the observation of the Special Rapporteur, with regard to the National Convention, that no evident progress has been made towards turning over power to a freely elected civilian Government; 4/

5. Also notes with concern in this respect that most of the representatives duly elected in 1990 have been excluded from participating in the meetings of the National Convention, created to prepare basic elements for the drafting of a new Constitution, and that one of its objectives is to maintain the participation of the armed forces in a leading role in the future political life of the State;

6. Strongly urges the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process in accordance with the principles of the Universal Declaration of Human Rights and to accelerate the process of transition to democracy, in particular through the transfer of power to the democratically elected representatives;

7. Urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression and assembly, and the protection of the rights of persons belonging to ethnic and religious minorities and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and to enforced disappearances and summary executions;

8. Appeals to the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 5/

9. Stresses the importance of free and confidential access to prisoners by international humanitarian agencies;

10. Regrets the recent harsh sentences meted out to a number of dissidents, including persons voicing dissent in regard to the procedures of the National Convention;

11. Regrets also that, while a certain number of political prisoners have been released, many political leaders are still deprived of their freedom and their fundamental rights;

12. Strongly urges the Government of Myanmar to release unconditionally and immediately the Nobel Peace Prize Laureate Aung San Suu Kyi, who is now in

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5/ Resolution 39/46, annex.

her fifth year of detention without trial, and other political leaders and remaining political prisoners;

13. Calls upon the Government of Myanmar to respect fully the obligations of the Geneva Conventions of 1949, in particular the obligations in common article III, and to make use of such services as may be offered by impartial humanitarian bodies;

14. Encourages the Government of Myanmar fully to implement the Memorandum of Understanding between the Government of Myanmar and the Office of the United Nations High Commissioner for Refugees of 5 November 1993 and to create the necessary conditions to ensure an end to the flows of refugees to neighbouring countries and to facilitate their speedy repatriation and their full reintegration, in conditions of safety and dignity;

15. Requests the Secretary-General to assist in the implementation of the present resolution and to report to the General Assembly at its forty-ninth session;

16. Decides to continue its consideration of this question at its forty-ninth session.